

S.B. Civil Misc. Appeal No.769/2005

Bulaki Prasad vs. Praveen Kumar.

Date : 25.7.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. Dron Kaushik, for the appellant.

Mr. RR Nagori, for the respondent/caveator.

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Heard learned counsels for the parties.

The appellant is aggrieved against the order dated 19.5.2005 by which the trial court fixed the interim standard rent of the premises inquestion at the rate of Rs.2,083/- per month and determined the rent.

According to learned counsel for the appellant, admittedly, no rent receipt was given by the landlord to the tenant and the appellant produced rent receipts of three premises which are situated near the disputed premises and he proved that the rent of these adjoining premises was Rs.6,000/- per year only, therefore, according to learned counsel for the appellant, the trial court committed serious illegality in holding that the rent of the premises cannot be less than Rs.2,083/- per month.

I have considered the submissions of learned counsel for the appellant and perused the reasons given in the impugned order.

It will be worthwhile to mention here that according to the appellant, the premises was taken on rent 14 years ago and at that time, rent was Rs.8,000/- per annum and that was increased to Rs.10,000/- per annum. The appellant was also examined under Order 10 Rule 1 CPC by the trial court and before the trial court, the appellant stated that the rent receipts of three adjoining premises have already been submitted by the tenant in the Court. A perusal of the statement of the appellant clearly reveals that he further admitted that those shops were let out 15-20 years ago. In the statement, he never submitted that the rent of adjoining premises is enhanced rent or any Court has declared the said rent as standard rent, whereas in this case, the appellant claimed enhancement of rent.

In view of the above, if the trial court decided the question of rent on the basis of the evidence produced by both the parties and held that the rent of the premises cannot be less than Rs.2083/- per month, then I do not find that the trial court committed any error of law or any error of fact.

In view of the above, no case is made out for interference in the impugned order. Hence, the appeal is dismissed.

(PRAKASH TATIA), J.

S.Phophaliya